

SENATE BILL

No. 21

Introduced by Senator Denham

(Coauthors: Assembly Members Arambula and Portantino)

January 12, 2009

An act to amend Item 5240-301-0660 of Section 2.00 of the Budget Act of 2003 (Chapter 157 of the Statutes of 2003), and to amend Items 5225-301-0660 and 5225-491 of Section 2.00 of the Budget Act of 2008 (Chapters 268 and 269 of the Statutes of 2008), relating to the state budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 21, as introduced, Denham. State budget.

The Budget Act of 2008 appropriates \$136,000,000 for construction of the Condemned Inmate Complex at San Quentin State Prison. A prior appropriation in the Budget Act of 2003 appropriated \$220,000,000 for this construction and was reappropriated in the Budget Act of 2008.

This bill would eliminate both appropriations and the reappropriation, to the extent the appropriated funds have not been expended.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Item 5240-301-0660 of Section 2.00 of the Budget Act of 2003 is amended to read:

5240-301-0660—For capital outlay, Department of Corrections,
payable from the Public Buildings Construction Fund 271,710,000
51,710,000

Schedule:

- (1) 61.04.040-California Correctional Institution, Tehachapi: Wastewater Treatment Plant—Construction..... 15,743,000
- (2) 61.09.036-California Medical Facility, Vacaville: Mental Health Crisis Beds—Preliminary plans, working drawings, and construction..... 18,645,000
- (3) 61.11.008-Richard J. Donovan Correctional Facility at Rock Mountain, San Diego: Substance Abuse Program Modular Replacement—Construction..... 2,074,000
- (4) ~~61.12.027-California State Prison-San Quentin, San Quentin: Condemned Inmate Complex—Preliminary plans, working drawings, and construction....~~ 220,000,000
- (5) 61.47.002-California State Prison-Sacramento, Represa: Psychiatric Services Unit/Enhanced Outpatient Care Phase II—Construction..... 15,248,000

Provisions:

1. The State Public Works Board may issue lease-revenue bonds, notes, or bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 of Title 2 of the Government Code to finance the construction of the projects authorized by this item.
2. The State Public Works Board and the Department of Corrections may obtain interim financing for the project costs authorized in this item from any appropriate source, including, but not limited to, Section 15849.1 of the Government Code and the Pooled Money Invest-

ment Account pursuant to Sections 16312 and 16313 of the Government Code.

3. The State Public Works Board may authorize the augmentation of the cost of construction of the projects scheduled in this item pursuant to the board's authority under Section 13332.11 of the Government Code. In addition, the State Public Works Board may authorize any additional amount necessary to establish a reasonable construction reserve and to pay the cost of financing, including the payment of interest during construction of the projects, the costs of financing a debt service fund, and the cost of issuance of permanent financing for the project. This additional amount may include interest payable on any interim financing obtained.
4. This department is authorized and directed to execute and deliver any and all leases, contracts, agreements, or other documents necessary or advisable to consummate the sale of bonds or otherwise effectuate the financing of the scheduled projects.
5. The State Public Works Board shall not itself be deemed a lead or responsible agency for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) for any activities under the State Building Construction Act of 1955 (Part 10b (commencing with Section 15800) of Division 3 of Title 2 of the Government Code). This section does not exempt this department from the requirements of the California Environmental Quality Act. This section is declarative of existing law.
6. Notwithstanding Section 2.00 of the Budget Act, funds derived for Schedule (4) from the lease-purchase financing method deposited in the State Treasury, are hereby available for encumbrance until June 30, 2008, to the State Public Works Board on behalf of the Department of Corrections.

SEC. 2. Item 5225-301-0660 of Section 2.00 of the Budget Act of 2008 is amended to read:

5225-301-0660—For capital outlay, Department of Corrections
and Rehabilitation, payable from the Public Buildings
Construction Fund..... ~~198,630,000~~
62,355,000

Schedule:

- (.3) 61.07.029-Folsom State Prison, Represa:
Convert Officer and Guards Building to
Office Space—Construction..... 6,768,000
- (.5) 61.10.101-California Men's Colony, San
Luis Obispo: Central Kitchen Replace-
ment—Working drawings and construc-
tion..... 15,263,000
- ~~(+) 61.12.027-San Quentin State Prison:
Condemned Inmate Complex—Work-
ing drawings and construction..... 136,275,000~~
- (2) 61.15.035-California Rehabilitation
Center, Norco: Replace Men's
Dorms—Construction..... 14,993,000
- (3) 61.22.006-Chuckwalla Valley State Pri-
son, Blythe: Wastewater Treatment Plant
Improvements—Construction..... 25,331,000

Provisions:

1. The State Public Works Board may issue lease-revenue bonds, notes, or bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 of Title 2 of the Government Code to finance the construction of the projects authorized by this item.
2. The Department of Corrections and Rehabilitation and the State Public Works Board are authorized and directed to execute and deliver any and all leases, contracts, agreements, or other documents necessary or advisable to consummate the sale of bonds or otherwise effectuate the financing of the scheduled projects.
3. The State Public Works Board shall not be deemed a lead or responsible agency for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) for any activities under the State Building Construction Act of 1955 (Part 10b (commencing with Section

15800) of Division 3 of Title 2 of the Government Code). This provision does not exempt the Department of Corrections and Rehabilitation from the requirements of the California Environmental Quality Act. This provision is declaratory of existing law.

4. Notwithstanding any other provision of law, the funds appropriated in this item shall be available for expenditure during the 2008–09 fiscal year, except appropriations for acquisitions which shall be available for expenditure until June 30, 2011, appropriations for working drawings which shall be available for expenditure until June 30, 2010, and appropriations for construction which shall be available for expenditure until June 30, 2013. In addition, the balance of the funds appropriated for construction that have not been allocated, through fund transfer or approval to bid, by the Department of Finance on or before June 30, 2011, shall revert as of that date to the fund from which the appropriation was made.

SEC. 3. Item 5225-491 of Section 2.00 of the Budget Act of 2008 is amended to read:

5225-491—Reappropriation, Department of Corrections and Rehabilitation. The balances of the appropriations provided in the following citations are reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for in the appropriations:

- 0660—Public Buildings Construction Fund
- (1) ~~Item 5240-301-0660, Budget Act of 2003 (Ch. 157, Stats. 2003)~~
- (4) ~~61.12.027-California State Prison-San Quentin, San Quentin: Condemned Inmate Complex—Preliminary plans, working drawings, and construction~~
- (2) Item 5225-301-0660, Budget Act of 2005 (Chs. 38 and 39, Stats. 2005)
- (2) 61.04.040-California Correctional Institution, Tehachapi: Wastewater Treatment Plant Renovation—Construction

1 0747—1988 Prison Construction Fund

2 (1) Item 5225-301-0747, Budget Act of 2005 (Chs. 38
3 and 39, Stats. 2005)

4 (1) 61.27.002-Wasco State Prison, Wasco: Prescreen-
5 ing Facility at Wastewater Treatment
6 Plant—Construction

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8 SEC. 4. This act addresses the fiscal emergency declared by
9 the Governor by proclamation on December 19, 2008, pursuant
10 to subdivision (f) of Section 10 of Article IV of the California
11 Constitution.

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